

COMMITTEE AMENDMENT FORM

DATE: 08/29/ 06

COMMITTEE CITY UTILITIES PAGE NUM. (S) _

ORDINANCE I. D. #06-O-0560 SECTION (S)

RESOLUTION I. D. #06-R- PARA.

AMENDS THE LEGISLATION BY ADDING A NEW LEGAL DESCRIPTION
AND PLAT.

AMENDMENT DONE BY COUNCIL STAFF 8/29/06

AN ORDINANCE

06-0 -0560

BY COUNCIL MEMBER KWANZA HALL

TO ABANDON THE FOLLOWING PORTION OF RIGHT-OF-WAY, BEING MORE SPECIFICALLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" AND THE SURVEY ATTACHED AS EXHIBIT "B": (1) ALEXANDER STREET BETWEEN LUCKIE STREET AND MARIETTA STREET, SAID PROPERTY LYING AND BEING IN LAND LOT 79 OF DISTRICT 14, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, Blue Ribbon Converter, Inc. (the "Applicant"), an owner of abutting property, has filed a formal petition with the City of Atlanta (the "City") to abandon the above-referenced property, said application containing the consent of the other abutting property owners to the abandonment, and statements that they do not intend to purchase a pro rata share of the area that the Applicant is requesting that the City abandon; and

WHEREAS, the Applicant has paid a fee of \$2,500.00 for the abandonment, as specified by Section 138-9(a)(5) of the City of Atlanta Code of Ordinances; and

WHEREAS, the area of Alexander Street that the Applicant has requested the City to abandon is a one-way street no longer needed as a public thoroughfare, because vehicles turning from Luckie Street to access Marietta Street turn right onto Jones Avenue to access Marietta Street, and vehicles traveling on Ivan Allen Jr. Boulevard do not use the area of Alexander Street that Applicant has requested the City to abandon, but rather, continue on Jones Avenue; and

WHEREAS, this abandonment request has been reviewed and approved by the City agencies, neighborhood planning units and other applicable entities referenced in Section 138-9(b)(2); and

WHEREAS, the abandonment will not adversely affect traffic flow in the area.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That the Applicant will be required to meet the requirements of Section 138-9 of the City of Atlanta Code of Ordinances, including having the abandonment request reviewed by the police, fire and planning departments.

SECTION 2: That the portion of the above-referenced property, whose legal description is as shown on the attached Exhibit "A," is hereby declared no longer useful or necessary for the public's use and convenience.

SECTION 3: That the Chief Procurement Officer is hereby directed to have prepared an appraisal of the fair market value of the right-of-way to be abandoned and perform all other responsibilities concerning this proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

SECTION 4: That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time, said easements shall expire.

SECTION 5: That the Mayor is hereby authorized to execute a Quitclaim Deed to Applicant conveying any interest that the City may have in the above-described portion of Alexander Street abandoned herein.

SECTION 6: That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the petitioner in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of ordinances, the City Attorney is hereby directed to prepare a Quit Claim Deed or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

SECTION 7: The date of execution of this Ordinance by the Mayor shall be the effective date of abandonment.

SECTION 8: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived in this instance only.

**DESCRIPTION OF PROPERTY
AREA OF RIGHT-OF-WAY TO BE ABANDONED**

ALL OF THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 79 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, BEING SHOWN AS TRACT 1 AND TRACT 4 ON THE ABANDONMENT PLAT FOR ALEXANDER STREET, BY WATTS AND BROWNING ENGINEERS, INC, DATED 09/27/05, LAST REVISED 06/26/06 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF MARIETTA STREET (60 FOOT RIGHT-OF-WAY) AND THE NORTHERLY RIGHT-OF-WAY OF ALEXANDER STREET (50 FOOT RIGHT-OF-WAY) PROCEED ALONG THE NORTHERLY RIGHT-OF-WAY OF ALEXANDER STREET (50 FOOT RIGHT-OF-WAY) NORTH 89°58'10" EAST FOR A DISTANCE OF 233.10 FEET TO A POINT;

THENCE DEPARTING THE NORTHERLY RIGHT-OF-WAY OF ALEXANDER STREET (50 FOOT RIGHT-OF-WAY) SOUTH 29°22'20" WEST FOR A DISTANCE OF 27.66 FEET TO A POINT;

THENCE SOUTH 77°42'57" WEST FOR A DISTANCE OF 42.57 FEET TO A POINT;

THENCE SOUTH 89°50'49" WEST FOR A DISTANCE OF 80.14 FEET TO A POINT;

THENCE SOUTH 02°30'32" EAST FOR A DISTANCE OF 15.58 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF ALEXANDER STREET (50 FOOT RIGHT-OF-WAY);

THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF ALEXANDER STREET (50 FOOT RIGHT-OF-WAY) SOUTH 89°58'10" WEST FOR A DISTANCE OF 93.65 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF MARIETTA STREET (60 FOOT RIGHT-OF-WAY);

THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF MARIETTA STREET (60 FOOT RIGHT-OF-WAY) NORTH 05°38'38" WEST FOR A DISTANCE OF 49.10 FEET TO THE POINT OF BEGINNING.

SAID AREA TO BE ABANDONED CONTAINING 0.19932 OF AN ACRE OR 8,682 SQUARE FEET.